

tain territory by them respectively claimed, and to make an appropriation therefor."

Was laid before the Senate and read the third time.

Senator Stephens moved to postpone the bill indefinitely.

Senator Townsend moved to table the motion to postpone indefinitely.

Adopted.

Senator Burney moved the previous question.

Seconded.

The main question was ordered, and

The bill was passed by the following vote:

YEAS—17.

Allen,	Kimbrough.
Armistead,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Davis,	Townsend,
Ingram,	Upshaw,
Jarvis,	Woodward.
Johnson,	

NAYS—12.

Abercrombie,	Harrison,
Atlee,	Lane,
Cranford,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Tyler.

Senator Kimbrough entered a motion to reconsider the vote by which the bill was passed.

Senator Burney moved to table the motion to reconsider.

Senator Kimbrough withdrew his motion to reconsider.

Senator Burney moved to reconsider the vote by which the bill was passed and to lay that motion on the table.

Senator Frank moved to lay Senator Burney's motion on the table.

Senator Frank's motion was ruled out of order.

Senator Burney's motion was lost by the following vote:

YEAS—13

Allen,	Jarvis,
Armistead,	Maetze,
Burges,	McDonald,
Burney,	Townsend,
Claiborne,	Upshaw,
Davis,	Woodward.
Ingram,	

NAYS—16.

Abercrombie,	Kimbrough.
Atlee,	Lane,
Cranford,	Pope,
Field,	Seale,
Frank,	Simkins,
Glasscock,	Sims,
Harrison,	Stephens,
Johnson,	Tyler.

The President referred a communication from the Southwest Texas Immigration Association, favoring one or more deep water ports on the coast of Texas, to the Committee on State Affairs.

And another communication from same association favoring the issuance of bonds for the improvement of the public roads, was referred to Committee on Public Roads and Bridges.

On motion of Senator Burney,

The regular order of business was suspended and,

Substitute House bill No. 21, a bill to be entitled "An act to make valid and to confirm certain contracts of sale made by the Land Board of the State of Texas, made with divers persons for the sale of certain of the free school and asylum lands of the State of Texas, sold under the act of the Legislature of the State of Texas, approved April 12, 1883,"

Was laid before the Senate on its second reading.

Senator Burney moved to substitute for substitute House bill No. 21

Senate bill No. 7, a bill entitled "An act to validate and quiet the title to lands sold by the State Land Board under an act approved April 12, 1883."

Adopted.

Senator Burney called up the motion which had been entered by Senator Townsend to reconsider the vote by which the Senate engrossed Senate bill No. 7.

The motion to reconsider was lost.

On motion of Senator Simkins,

The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, February 15, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Townsend,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Glasscock:

Petition of the citizens of Burnet county asking for repeal of occupation tax law.

Referred to Committee on Finance.

By Senator Tyler:

Petition of citizens of Hamilton county against occupation tax.

Referred to Committee on Finance.

By Senator Stephens:

Memorial from citizens of Haskell county protesting against reducing the size of school districts.

Referred to Committee on Education.

By Senator Kimbrough:

Memorial from citizens of Kaufman county asking that the 22d day of February be set apart as Arbor Day.

Referred to Committee on State Affairs.

On motion of Senator Harrison, Senator Upshaw was excused until Monday, on account of important business.

On motion of Senator Armistead, Senators Jarvis and Atlee were excused until Monday, on account of important business.

On motion of Senator Woodward, Senator Allen was excused until Monday, on account of important business.

REPORTS OF STANDING COMMITTEES.

By Senator Woodward:

COMMITTEE ROOM,
AUSTIN, February 14, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on County and County Boundaries, to whom was referred

House bill No. 138, entitled "An act to establish the county of Coke and define the district to which it shall belong,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, together with the accompanying amendment.

All of which is respectfully submitted.

WOODWARD,
Chairman.

Bill read first time.

COMMITTEE AMENDMENTS.

Amend section 1 by striking out all from line 7 in section 1, down to section 2, and insert therefor the following:

Beginning at the northeast corner of Tom Green county; thence south along the east line of Tom Green and west line of Runnels counties thirty miles; thence west thirty miles; thence north thirty miles to north line of Tom Green county; thence east along the said north line of Tom Green county to the place of beginning.

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, February 14, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 211, entitled "An act to regulate railroads doing business in the State of Texas, to fix maximum rates of freight charges on all classes of freights, to compel all such railroad companies to establish classifications on all kinds of freights, and to divide all freights in classes ranging from one to ten inclusive, to prevent unjust discriminations and extortions, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

By Senator Amistead:

COMMITTEE ROOM,
AUSTIN, February 12, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Asylums, to whom was referred

Senate bill No. 195, entitled "An act to amend article 122 of the Revised Civil Statutes, as amended by an act approved April 14, 1883, and to amend article 130a, added to the Civil Statutes by said act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ARMISTEAD,
Chairman.

Bill read first time.

By Senator Field:

COMMITTEE ROOM,
AUSTIN, February 14, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Mining and Geology, to whom was referred

Senate bill No. 196, entitled "An act to encourage irrigation and to provide for the construction and maintenance of canals, ditches, flumes, reservoirs and wells for irrigation, and for mining, milling and stockraising."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying substitute do pass.

CAPTION OF SUBSTITUTE.

A bill to be entitled "An act to encourage irrigation and to provide for the acquisition of the right to use the water, and for the construction and maintenance of canals, ditches, flumes, reservoirs and wells for irrigation and for mining, milling and stockraising in the arid districts of Texas."

All of which is respectfully submitted.

FIELD,
Chairman.

Bill read first time with substitute.

COMMITTEE ROOM,
AUSTIN, February 14, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Mining and Geology, to whom was referred

Senate bill No. 154, entitled "An act to promote the development of the mining resources of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

FIELD,
Chairman.

Bill read first time.

Senator Tyler sent up the following minority report:

COMMITTEE ROOM,
AUSTIN, February 13, 1889.

Hon. T. B. Wheeler, President of the Senate:

The undersigned, a minority of your Committee on Education, to whom was referred

Senate bill No. 267, entitled "An act to provide for instruction on the nature and effects of alcoholic drinks and narcotics upon the human system in all the public schools of the State of Texas,"

Bag leave to differ with the majority of said committee, who have reported favorably a committee substitute under the same title.

We are opposed to the original bill and the committee substitute on the following grounds, besides many others not mentioned herein:

First. It is not advisable to give this subject prominence by special enactment when there are many other subjects of equal importance that might be considered by a majority of the Senate as proper subjects to be taught in our public schools.

Second. These bills assume that there are extant text books familiar to Senators, that teach scientifically and correctly the effects of alcoholic drinks and narcotics upon the human system, an assumption we are not prepared to accept. On the other hand, it is our understanding that this is an open question among scientific men, and that there is no standard of correct scientific knowledge upon this subject.

All of which is respectfully submitted.

TYLER,
LANE,
MAETZE,
FIELD.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

Resolved, That the Judiciary Committee No. 1 be requested to examine and report whether the State can sell the State property known as the Temporary Capitol building and grounds belonging to the same; also the one quarter block lying south of the General Land Office building.

Referred to Judiciary Committee No. 1.

On motion of Senator Johnson, the first special order, Senate bill No. 5, the railroad commission bill, was postponed and made the special order for Monday, after morning call,

and to be continued from day to day until disposed of.

Senate bill No. 255, a bill to be entitled "An act to prevent the opening up of public roads across lands owned and used, or for actual use by State educational, eleemosynary or other public State institutions, without the consent of the State, and to close the roads heretofore opened across such grounds whenever the State deems it necessary,"

Being the second special order, was laid before the Senate and read the second time.

Senator Glasscock moved to

Amend by adding to section 1 the following: "Provided this act shall not apply to bodies of land of over two thousand acres."

Senators Townsend and Field opposed the amendment.

Senator Stephens moved to

Amend the amendment by striking out two thousand acres and insert "six hundred and forty acres in lieu thereof."

Senators Glasscock and Field opposed the amendment to the amendment.

Senator Stephens spoke in favor of his amendment and it was lost.

Senator Burney moved to

Amend by striking out "two thousand" and insert "one thousand."

Senator Burney spoke in favor of his amendment, and it was

Lost by the following vote:

YEAS—10.

Abercrombie,	Seale,
Burney,	Simkins,
Frank,	Sims,
Glasscock,	Stephens,
Harrison,	Woodward.

NAYS—16.

Armistead,	Johnson,
Atlee,	Kimbrough,
Burges,	Lane,
Claiborne,	Maetze,
Cranford,	McDonald,
Davis,	Pope,
Feld,	Townsend,
Ingram,	Tyler.

Senator Frank offered the following amendment to Senator Glasscock's amendment:

Amend by striking out "2000" and insert 1500."

On motion of Senator Townsend, Senator Frank's amendment and

Senator Glasscock's amendment were tabled.

Senator Burges moved to

Amend by striking out, in section 1, line 5, the words, "the Legislature of the State," and insert instead thereof "the trustees of said institution and the approval of the Governor of the State."

Senator Atlee offered the following amendment:

Amend section 1 by inserting in line 3, after the word "State," the following: "Educational, eleemosynary, or other public State institutions."

Senator Lane moved the previous question on the amendments and the bill.

Seconded, and

The main question was ordered.

Senator Burges' amendment was adopted.

Senator Atlee's amendment was adopted, and

The bill as amended was ordered engrossed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has adopted the Senate concurrent resolution designating the room in which the books belonging to the Supreme Court library may be kept. Also

Senate concurrent resolution No. 7, "Concurrent resolution to request our Senators and Representatives in Congress to secure the passage of laws to define and regulate the rights and privileges of citizens of several of the States and Territories and the State of Texas respecting the use of waters of interstate streams."

W. M. IMBODEN,
Chief Clerk House of Representatives.

Senate bill No. 7, a bill entitled "An act to validate and quiet the title to lands sold by the State Land Board under an act approved April 12, 1883,"

Was laid before the Senate as unfinished business.

Senator Burney moved to reconsider the vote by which the Senate substituted Senate bill No. 7 for substitute House bill No. 21.

Adopted.

Senator Burney then withdrew the motion to substitute Senate bill No. 7 for substitute House bill No. 21, and Substitute House bill No. 21, a bill

to be entitled "An act to make valid and to confirm certain contracts of sale made by the Land Board of the State of Texas, made with divers persons for the sale of certain of the free school and asylum lands of the State of Texas, sold under the act of the Legislature of the State of Texas, approved April 12, 1883,"

Was laid before the Senate and read the second time.

Senator Burney moved to strike out all except the enacting clause of the bill and to insert Senate bill No. 7 with its amendments.

Senator Townsend offered as a substitute for Senator Burney's motion the original bill as introduced by Senator Burney, to-wit:

Section 1. *Be it enacted by the Legislature of the State of Texas:* That all sales of public free school, University and asylum lands, made by the "State Land Board," under the act of April 12, 1883, wherein the parties purchasing in good faith, have complied with the requirements, conditions, rules and regulations by the said "State Land Board" adopted, are hereby validated, and the title thereto shall not be called in question in the courts of this State.

Section 2. Whereas, the validity of the titles to the lands sold by the said "State Land Board" and purchased in good faith by citizens all over the State, creates an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted by the following vote:

YEAS—22.

Abercrombie,	Ingram,
Armistead,	Johnson,
Atlee,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	McDonald,
Cranford,	Pope,
Davis,	Simkins,
Field,	Townsend,
Glasscock,	Tyler,
Harrison,	Woodward.

NAYS—4.

Frank,	Sims,
Seale,	Stephens.

Senator McDonald moved the previous question.

Seconded, and

The Senate refused to order the main question.

Senator Townsend's amendment was adopted.

Senator Armistead moved the previous question.

Seconded; and

The main question was

Ordered by the following vote:

YEAS—13.

Abercrombie,	Kimbrough,
Armistead,	Maetze,
Atlee,	McDonald,
Claiborne,	Townsend,
Cranford,	Tyler,
Davis,	Woodward.
Harrison,	

NAYS—12.

Burges,	Johnson,
Burney,	Lane,
Field,	Pope,
Frank,	Seale,
Glasscock,	Sims,
Ingram,	Stephens.

ABSENT—1.

Simkins.

Senator Kimbrough moved to reconsider the vote just taken.

Adopted.

Senator Lane moved to amend as follows:

"And in all cases where applicants to purchase have accompanied their applications with field notes, describing the land sought to be purchased by metes and bounds, such metes and bounds shall be determined of all questions of boundary that may hereafter arise regarding such purchase."

Adopted.

Senator Sims offered the following amendment:

"And all sales made at actual settlers of not more than one section of agricultural lands and to actual settlers of not more than three sections of grazing lands, wherein the State Land Board has accepted for the State the contract of purchase and the first payment on the land, and the purchaser or his assigns will pay to the State the balance (if any) due and to become due on the contract and on the terms as provided in the said act of April 12, 1883, and such purchase was made in good faith and without fraud, are hereby validated; provided, that the parties wishing to avail themselves of the benefit of this act and be

governed by its provisions, shall make known their desire to do so, under such rules and regulations as may be prescribed by the Commissioner of the General Land Office."

Senator Burney opposed the amendment, and

Senators Sims and Stephens spoke in favor of it.

Senator Frank offered the following amendment to the amendment:

"And, provided, further, that said original purchaser or his assigns have been continually in possession of said land, and are still in actual possession of the same."

Accepted.

Senators Lane and Townsend opposed the amendment as amended, and Senators Frank and Sims spoke in favor of it.

Senator Claiborne moved the previous question on the bill and amendment.

Seconded, and

The main question was ordered.

Senator Sims' amendment as amended was adopted by the following vote:

YEAS—15.

Abercrombie,	Kimbrough,
Armistead,	Pope,
Atlee,	Seale,
Cranford,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Woodward.
Harrison,	

NAYS—11.

Burges,	Lane,
Burney,	Maetz,
Claiborne,	McDonald,
Davis,	Townsend,
Ingram,	Tyler.
Johnson,	

The bill as amended,
Passed to its third reading by the following vote:

YEAS—19.

Abercrombie,	Kimbrough,
Atlee,	Maetze,
Burges,	Pope,
Burney,	Seale,
Cranford,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Tyler,
Harrison,	Woodward.
Ingram,	

NAYS—7.

Armistead,
Claiborne,
Douglass,
Johnson,

Lane,
McDonald,
Townsend.

The President gave notice of signing, and did sign, in open session of the Senate,

House bill No. 162, "An act to amend an act to designate what counties shall compose the Twenty-ninth judicial district of the State of Texas, and to fix the times of holding court therein, approved March 30, 1887."

Also,

House bill No. 368, "An act to incorporate the city of Waco, and to define its boundaries and powers."

Substitute House bill No. 83, a bill to be entitled "An act to add articles 689 and 689a to chapter 3, title 17 of the Penal Code of the State of Texas,"

Was laid before the Senate and read the second time with a committee substitute.

The substitute was adopted, and

The bill passed to its third reading.

The President announced the appointment of Senators Armistead and Maetze on the committee on the part of the Senate to visit the State educational institutions.

By leave, Senator Townsend sent up the following free conference committee report:

COMMITTEE ROOM,
AUSTIN, February 11, 1889.

Hon. F. P. Alexander, Speaker of the House of Representatives, and Hon. T. B. Wheeler, President of the Senate:

Your committee on free conference, to whom was referred the differences between the two houses on

Substitute House bill No. 15, being "An act to be entitled an act to amend article 486 of the Revised Statutes of the State of Texas,"

Have had the said differences under consideration, and we recommend that the Senate recede from its amendment.

All of which is respectfully submitted.

TOWNSEND,
ATLEE,
JOHNSON,
Senate Committee.
HAMBLIN,
BROWN of Grayson,
CAMPBELL of Cooke,
House Committee.

The report was adopted.
(Senator Woodward in the chair.)
(The President in the chair.)
The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has refused to concur in the Senate amendment to House bill No. 439, a bill to be entitled "An act to authorize the Governor to extend further time to the Capitol Furnishing Board, expert and engineer, provided for by an act of the special session of the Twentieth Legislature, approved May 17, 1888," and asks for a conference committee.

W. M. IMBODEN,
Chief Clerk House of Representatives.

Senator Claiborne made a motion that the Senate recede from its amendment on the bill just reported from the House.

Lost.

Senator Lane moved to insist on the Senate amendment.

Adopted.

The President appointed on part of the Senate, on the free conference committee,

Senators Lane, McDonald and Simkins.

By request of Senator McDonald he was relieved from the committee.

The President appointed Senator Field in lieu of Senator McDonald, relieved.

The bill was referred to the free conference committee.

On motion of Senator Pope,

The Senate adjourned until 10 o'clock to-morrow morning.

THIRTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, February 15, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kimbrough,
The reading of the Journal of yesterday was dispensed with.

On motion of Senator Armistead,
Senator McDonald was excused until next Monday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Tyler:

Petition of the citizens of Rogers, in Bell County, Texas, asking the repeal of occupation tax laws.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

By Senator Armistead:

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 110, entitled "An act providing that money lenders in loaning money shall lend a sum not less than the amount named on the face of the note and affixing the pains and penalties therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ARMISTEAD,
Acting Chairman.

Bill read first time.

Senator Frank gave notice of his intention to file a minority report on this bill.

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Substitute House bills Nos. 22 and 187, entitled "An act to amend article 2979, title 54, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ARMISTEAD,
Acting Chairman.

Bill read first time.

Senator Frank gave notice of his intention to file a minority report on this bill.